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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,323	02/27/2004	Patrycjusz Kosun	LAC201T3	8824

7590
HORST KASPER
13 FOREST DRIVE
WARREN, NJ 07059

07/06/2007

EXAMINER

FATAHI YAR, MAHMOUD

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/790,323	Applicant(s) KOSUN, PATRYCJUSZ	
	Examiner Mike Fatahiyar	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-22 is/are rejected.
- 7) ☐ Claim(s) 11 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract should be in a single paragraph and the recitations "Fig. 1" and "(23 claims)" recited at the bottom of the abstract should be deleted. Correction is required. See MPEP § 608.01(b).

3. Claims 3-8 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 3-8 and 21, the recitation "the said...." sounds awkward. It is suggested it should be read as – said --.

4. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Poland on December 5, 2003. It is noted, however, that applicant has not filed a certified copy of the 363901 application as required by 35 U.S.C. 119(b).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 8-9, 12-14 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Arita et al(5,504,502).

Arita et al discloses a computer input pointing device comprising a casing(13, 19), an upper movable dome shaped steering element(10), a steering element's movement detector(14, 14', 18), a bearing(13) attached to the casing, spring repositioning elements((column 7, lines 20-58; figures 13, 15B and 16) and a switch (15) which all function as claimed.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arita et al in view of Leung(6,388,655B1).

Arita et al is discussed above. Leung is cited to show that the concept of utilizing ball bearing(236, Figs 19, 22) for facilitating movement of a moveable steering element(182) of an input pointing device(180) is old. Thus, it would have been obvious to one of ordinary skill in the art to modify the system of Arita et al with the noted teaching of Leung such that to provide ball bearings between the moveable steering element(10) and the bearing(13) because it would facilitate the movement between the two elements almost without any friction and secondly because both references are related to moveable cursor input device.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arita et al in view of Miyoshi(6,667,733B2).

Arita et al is discussed above. Miyoshi is cited to show that the concept of utilizing a moveable steering element(30) having an upper part(31), a protective lower part(32) and a connecting part(32) for connecting the upper and the lower parts together is old. Thus, it would have been obvious to one of ordinary skill in the art to modify the system of Arita et al with the above noted teachings of Miyoshi such that the moveable steering element(slider 10) includes an upper and lower parts connected together so that to prevent the slider from falling through the hole (12a, 13a) because both references are related to mechanical structure of a slider input device.

10. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arita et al in view of Low et al(2004/0046741A1).

Arita et al is discussed above. Low et al is cited to show that the concept of utilizing a light emitter and an optical sensor or a micro-camera as a movement detector for a moveable peripheral input device is old(see paragraphs[0024-0025]). Therefor, it would have been obvious to one of ordinary skill in the art modify the system of Arita et al with the above noted teachings of Low et al such that to provide an optical detection system for detecting movement of the slider(10) as opposed to the magnetic detection system(14, 14', 18) because both are alternative equivalent to each other and further because both references are related to movement detection of a moveable peripheral input device.

11. Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. Claims 11 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Endo et al, Osawa et al, Suzuki et al, Liu et al, Lee an Nachtigal et al are made of record to show various types of peripheral input device having some sort of moveable steering element.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Fatahiyar whose telephone number is (571)272-7688. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

MF

M. Fatahiyar

June 23, 2007